



DOCKET NO. 8971-017-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: DUNCAN W. McBRANCH, ET AL. ART UNIT: 1634

SERIAL NO.: 09/934,680

EXAMINER: LU, FRANK

FILING DATE: AUGUST 23, 2001

FOR: PEPTIDE NUCLEIC ACID BASED MOLECULAR SENSORS FOR
NUCLEIC ACIDS

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS

PO BOX 1450

ALEXANDRIA, VA 22313-1450

SIR:

Responsive to the Restriction Requirement dated July 8, 2003, Applicants elect, albeit with traverse, Group I Claims 1-13 for further prosecution at this time.

REMARKS

The Examiner has required restriction in the above-identified application as follows:

- Group I: Claims 1-13 drawn to a chemical moiety, classified in class 536, subclass 23.1;
- Group II: Claims 14-17, drawn to a method for detecting a target nucleic acid in a sample, classified in class 436, subclass 94; and
- Group III: Claims 18-21, drawn to a method for determining the presence of a target nucleic acid in a sample, classified in class 436, subclass 94.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I Claims 1-13 for further prosecution at this time.

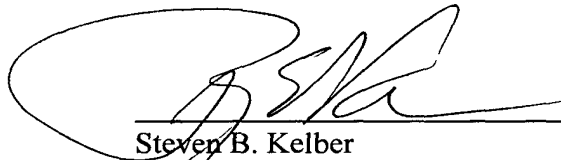
The basis for Applicants traversal is that there is no undue burden on the Examiner. The Examiner has argued that the product of Group I can be used in the processes of Group II and Group III. All of the claims of the present application are therefore searchable in closely related art classifications and, as such, overlapping areas of search for the different Groups designated by the Restriction Requirement are likely. Reconsideration of the Restriction Requirement is respectfully requested.

However, in the event that the Examiner chooses not to rejoin and consider all claims of the present application, Applicants reserve the right to file one or more divisional applications to the non-elected subject matter, if they so wishes.

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited.

Respectfully submitted,

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